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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

MIKE GLEASON, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

2008 MAY 30 A 10:31

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAY 30 2008

DOCKETED BY

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IN THE MATTER OF:

WESTCOR/GOODYEAR, L.L.C., and GLOBE  
LAND INVESTORS, L.L.C.,

COMPLAINANTS,

VS.

LITCHFIELD PARK SERVICE COMPANY,

RESPONDENT.

DOCKET NO. SW-01428A-08-0234

PROCEDURAL ORDER

**BY THE COMMISSION:**

On May 6, 2008, Westcor/Goodyear, L.L.C., and Globe Land Investors, L.L.C., ("Complainants") filed with the Arizona Corporation Commission ("Commission") a formal complaint against Litchfield Park Service Company ("LPSCO"). The Complainants are developing a regional mall called Estrella Falls, and other surrounding commercial facilities, in a 330 acre area in Goodyear, Arizona, within LPSCO's Certificate of Convenience and Necessity ("CC&N") area. The Complainants allege, among other things, that LPSCO refused to accept a check for an amount the Complainants claim represents the final capacity payment for Phase II of the Estrella Falls development pursuant to a 2001 Commercial Agreement between the Complainants and LPSCO.

On May 23, 2008, the Complainants filed an Emergency Motion for Will-Serve Letter and Other Expedited Relief. The Complainants request that the Commission issue an expedited Show Cause Order and set an expedited hearing date to consider the Complainants' demand for a will-serve letter from LPSCO to serve Phase II of the Estrella Falls development. Alternatively, the Complainants request that a Procedural Order be issued to schedule an expedited hearing to consider the will-serve letter demand issue.

1 On May 29, 2008, LPSCO filed an Answer to the Complaint, generally denying the  
2 allegations in the Complaint and asserting several affirmative defenses. LPSCO also filed on May  
3 29, 2008, a Motion to Stay All Proceedings and Request for Procedural Conference. In its Motion,  
4 LPSCO states that the dispute raised by the Complaint revolves around the amount the Complainants  
5 are required to pay to obtain wastewater service from LPSCO for the Estrella Falls development.  
6 LPSCO claims that it has filed a Motion to Dismiss a companion complaint filed in Maricopa County  
7 Superior Court and, until that Motion has been considered by the Superior Court, LPSCO requests  
8 that the Commission stay the proceedings in the above-captioned docket in the interest of judicial and  
9 administrative economy. LPSCO also requests that a procedural conference be scheduled, preferably  
10 after a ruling by the Superior Court on LPSCO's Motion to Dismiss.

11 IT IS THEREFORE ORDERED that a **procedural conference shall be scheduled for June**  
12 **13, 2008, at 11:00 a.m.**, at the offices of the Commission, 1200 West Washington, Phoenix, Arizona  
13 85007.

14 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
15 Communications) applies to this proceeding and shall remain in effect until the Commission's  
16 Decision in this matter is final and non-appealable.

17 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
18 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
19 hearing.

20 DATED this 30<sup>th</sup> day of May, 2008.

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DWIGHT D. NODES  
24 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE  
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26  
27  
28

1 Copies of the foregoing mailed/delivered  
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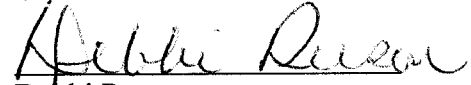
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